

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**BENNETT HILLS, INC.**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO. 1:23cv169-MPM-RP**

**WEST POINT APARTMENTS, L.P., et al.**

**DEFENDANTS**

**ORDER DISMISSING CASE AS TO CERTAIN DEFENDANTS**

Plaintiff filed the Complaint on December 12, 2023. ECF #1. Plaintiff served defendants West Point Apartments, L.P. on November 10, 2023, The City of West Point, Mississippi on November 10, 2023, District Attorney for Clay County, Mississippi on November 13, 2023 and State of Mississippi on November 13, 2023. ECF #9. None of these defendants has responded to Plaintiff's Complaint as of this date, and yet Plaintiff has taken no action to obtain an entry of default. On January 24, 2024, Magistrate Judge Roy Percy entered a Show Cause Order requiring Plaintiff to show cause why this case should not be dismissed as to these defendants. Time for response has passed and plaintiff has failed to respond to the court's Order. In accordance with the court's January 24, 2024 Order, the plaintiff's claims against West Point Apartments, L.P., The City of West Point, Mississippi, District Attorney for Clay County, Mississippi and State of Mississippi are hereby DISMISSED WITHOUT PREJUDICE.

This, the 13<sup>th</sup> day of February, 2024.

/s/ Michael P. Mills  
UNITED STATES DISTRICT JUDGE